

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 1-19 and 27-41 in the reply filed on March 11, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because: It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. Here, there is no ZIP code included for inventor Breslin, and the ZIP code included for inventor deGottal is illegible. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Objections

3. Claims 4 and 30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The

claims are duplicates of claims 2 and 28, respectively. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

4. Claim 12 is objected to because of the following informalities: The claim is missing a period. Appropriate correction is required.
5. Claim 17 is objected to because of the following informalities: The claim recites "[t]he method according to claim 1, wherein all of the steps of the are facilitated ...," which is grammatically incorrect. Appropriate correction is required. ;

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4-12, 17-19, 27, 28, 30-35, and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Borgia et al (US 2002/0129221).

As per claim 1, Borgia et al disclose a method for providing business continuity in an enterprise (i.e., disaster recovery, including business continuity, ¶ 0043) comprising: collecting resource information, the resource information describing at least one resource used by the enterprise (i.e., business operation data 102, ¶

0038); storing in a database resource information describing the at least one resource (i.e., database server 118, ¶ 0038); assessing a criticality of the at least one resource (i.e., risk assessment, ¶ 0039); storing the assessment of the criticality of the at least one resource in the database (i.e., database server 118, ¶ 0038); developing a recovery plan for recovery from a loss of use of the at least one resource (i.e., requirements for disaster recovery, ¶ 0043); storing the recovery plan in the database (i.e., database server 118, ¶ 0038); assessing the recovery plan (i.e., level of compliance, ¶ 0043); storing the assessment of the recovery plan in the database (i.e., database server 118, ¶ 0038); testing the recovery plan and recording the results of the testing (i.e., level of compliance, ¶ 0043); storing the recorded results of the testing in the database (i.e., database server 118, ¶ 0038); and providing status data from the database, wherein the status data comprises at least one of a status of: the collection of the resource data; the assessment of the criticality; the development of the recovery plan (i.e., policy status of the selected application with regard to the risk assessment, ¶ 0044); and the testing of the recovery plan.

As per claims 2 and 4, Borgia et al disclose wherein the at least one resource is a department within the enterprise (i.e., business operation broken into a number of departments, ¶ 0041), the step of collecting resource information further comprises at least one of: collecting resource information with respect to the department name; collecting resource information with respect to the department manager (i.e., a manager responsible for a given subdivision, ¶ 0041); collecting resource

information with respect to a primary location of the department, collecting resource information with respect to a recovery location of the department; collecting resource information with respect to products and services provided by the department; collecting resource information with respect to a total number of production seats required by the department; and collecting resource information with respect to a number of specialized production seals required by the department.

As per claim 5, Borgia et al disclose the at least one resource is a department within the enterprise (i.e., business operation broken into a number of departments, ¶ 0041), the step of collecting resource information further comprises at least one of: collecting resource information with respect to software applications relied on by the department (i.e., application 123, ¶ 0039); and collecting resource information with respect to external vendors relied on by the department.

As per claim 6, Borgia et al disclose the at least one resource is a department within the enterprise (i.e., business operation broken into a number of departments, ¶ 0041), wherein as part of the step of assessing the criticality of the department, a degradation of a functionality of the department is assumed, the step of assessing the criticality of the department further comprises at least one of: assessing an impact on external customers of the enterprise resulting from the degradation of the functionality of the department; assessing an impact on internal customers of the enterprise resulting from the degradation of the functionality of the department; assessing a financial impact resulting from the degradation of the functionality of the department; assessing an allowable time period that the degradation of the

functionality of the department can last; assessing an impact on regulatory obligations resulting from the degradation of the functionality of the department (i.e., compliance with federal regulations, ¶ 0046); and assessing an impact on legal obligations resulting from the degradation of the functionality of the department.

As per claim 7, Borgia et al disclose assigning specific people to fulfill roles in a case of interruption of the business of the enterprise (i.e., other assigned role members, ¶ 0042), wherein the roles include at least one of: building emergency organization chairperson; business executive (i.e., executive or manager in charge of the business operation, ¶ 0050); facilities regional manager; and human resources coordinator.

As per claim 8, Borgia et al disclose receiving acknowledgements of the acceptances of the assignments from the specific people (i.e., users responsible for particular applications can view application status, ¶ 0042).

As per claim 9, Borgia et al disclose assigning alternate people to fulfill the roles (i.e., assigned role members, ¶ 0042).

As per claim 10, Borgia et al disclose the role of building emergency organization chairperson comprises at least one of: overseeing recovery activities in the event of an emergency; providing status on the recovery activities (i.e., executive or manager able to display regulatory compliance status, ¶ 0050); prioritize resumption of critical functions; and compiling a list of all business units in a facility and their designated assembly areas, and recovery sites.

As per claim 11, Borgia et al disclose the role of business executive comprises at least one of: assessing the enterprise's risk exposures as a result of an emergency (i.e., risk assessment, ¶¶ 0051-52); declaring a disaster recovery condition; and prioritizing the reentry of employees to the building.

As per claim 12, Borgia et al disclose the role of facilities regional manager comprises at least one of: ordering partial or total evacuation of a facility; determining an anticipated length of the outage of a facility; supervising activities to restore the facility (i.e., risk compliance status, which is the responsibility of the manager or executive, ¶ 0051); providing status of the facility; coordinating with local police, fire and other public safety officials.

As per claim 17, Borgia et al disclose all of the steps of the are facilitated using a software application (figure 1), the method further comprising: generating data input screens for accepting input from a user (i.e., system interface, ¶ 0039), and providing drop down boxes on the data input screens in order to facilitate selection of predefined information (i.e., question/response display, ¶ 0047).

As per claim 18, Borgia et al disclose questioning the developer of the plan as to whether it has required elements (i.e., risk assessment, ¶ 0048); and developing a corrective action plan to address missing required elements (i.e., corrective action status, ¶ 0048).

As per claim 19, Borgia et al disclose providing status data on the enterprise level (i.e., policy status of the selected application with regard to the risk assessment, ¶ 0044); providing status data on a line of business level (i.e., policy

status of the selected application with regard to the risk assessment, ¶ 0044); and providing status data on a department level (i.e., policy status of the selected application with regard to the risk assessment, ¶ 0044).

Claims 27, 28, 30-35, and 39-41 are rejected based upon the same rationale as the rejections of claims 1, 2, 4-9, and 17-19, respectively, since they are the system claims corresponding to the method claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgia et al (US 2002/0129221), in view of Davenport et al (US 2004/0103431).

As per claim 3, Borgia et al does not disclose wherein a loss of use of the primary location is assumed, the steps of collecting resource information with respect to the total number of production seats and the specialized production seats further comprises at least one of: determining how many of each type of seat is required a same day as the loss of use of the primary location; determining how many of each type of seat is required a day after the loss of use of the primary location; determining how many of each type of seat is required a week after the loss of use of the primary location; and determining how many of each type of seat is

required a month after the loss of use of the primary location. Davenport et al disclose a detailed map or schematic of a floor plan of a facility, including room numbers and functions of the room (i.e., determining how many of each type of seat is required a same day as the loss of use of the primary location, ¶ 0044). It would have been obvious to one of ordinary skill in the art to include a detailed map or schematic of a floor plan of a facility, including room numbers and functions of the room in the Borgia et al system, as seen in Davenport et al, since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 29 is rejected based upon the same rationale as the rejection of claim 3 since it is the system claim corresponding to the method claim.

10. Claims 13-16 and 36-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Borgia et al (US 2002/0129221), in view of Jacobs et al (USPN 5,185,697).

As per claim 13, Borgia et al does not disclose the role of human resources coordinator comprises at least one of: accounting for employees in an emergency at a facility; coordinating activities to seek out employees who are not accounted for in the emergency; generating lists of names and employee contact information for employees at the affected facility, and maintaining hard-copy printouts of employee contact information. Jacobs et al disclose crisis team members extracting

information from a database including a victim's name, address, age, medical record and closest relative (column 10, lines 25-41). It would have been obvious to one of ordinary skill in the art to include a crisis team members extracting information from a database including a victim's name, address, age, medical record and closest relative in the Borgia et al system, as seen in Jacobs et al, since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 14, Borgia et al disclose the at least one resource is a department within the enterprise (i.e., business operation broken into a number of departments, ¶ 0041). Borgia et al does not disclose the step of collecting resource information further comprises: collecting employee resource information with respect to the employees of the department, the employee resource information including at least three of: the employee's name; primary work location; primary work region; primary work phone number; primary work facsimile number; pager number, pager Personal Identification number, cellular phone number; home phone number; alternate home phone number, personal internet addresses; alternate work location; alternate work address; and alternate work phone number. Jacobs et al disclose crisis team members extracting information from a database including a victim's name, address, age, medical record and closest relative (column 10, lines 25-41). It would have been obvious to one of ordinary skill in the art to include a crisis team members

Art Unit: 3623

extracting information from a database including a victim's name, address, age, medical record and closest relative in the Borgia et al system, as seen in Jacobs et al, since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claims 15-16, neither Borgia et al nor Jacobs et al does disclose generating a wallet card for the employee using the employee resource information, wherein the wallet card is generated at a workstation of the employee, and the wallet card contains a hotline, a website, and at least one emergency location that the employee can use in an emergency. However, wallet cards are old and well known. It would have been obvious to one of ordinary skill in the art to include a wallet card in the Borgia et al system, since the claimed invention is merely a combination of old elements, and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 36-38 are rejected based upon the same rationale as the rejections of claims 14-16, respectively, since they are the system claims corresponding to the method claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Buddle et al (USPN 6912502) disclose compliance management.

-Fetherston (US 2002/0120642) discloses compliance management programs.

-Beverina et al (US 2001/0027389) disclose integrated risk management.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
June 12, 2008